

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING AN
NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE**

These instructions have been prepared to assist a right holder to file a Notice of Diversion for Instream Stockwater Use as provided in section 42-113, Idaho Code. Changes authorizing the filing of the notice were enacted during the 1999-2000 legislative session.

Note that the filing of a notice applies only to surface water used for livestock watering purposes where the total use does not exceed thirteen (13,000) gallons per day.

A separate notice accompanied by a \$25 filing fee is required for each point of diversion.

1. Show the name, mailing address and phone number of the right holder.
2. Identify the source of water supply and the major stream to which it is tributary.
3. Describe the point of diversion within the 40-acre tract and/or U.S. Government Lot of the Public Land Survey System. Spring sources should be described to the nearest 10 acre tract.
- 4a. Describe the type of diversion. Typical examples include a metal or plastic pipe intake or other enclosed intake.
- 4b. Describe the delivery system. The delivery system must be enclosed such as a pipe.
- 4c. Describe the number, type and total capacity of troughs or tanks in terms of gallons of water.
- 4d. The diversion and conveyance system is required to have either an automatic shutoff or flow control works or shall return unused water to the source through an enclosed delivery system. Describe the proposed system.
- 4e. The diversion system must be designed and constructed to allow the rate of diversion to be measured. Describe the system to be constructed.
5. Describe the place of use within the 40-acre tract and/or U.S. Government Lot of the Public Land Survey System.

6. Show the priority of use which is represented by the first date that water historically was used for instream livestock watering, or by the date of priority shown on a permit, license, claim to a water right or decree for the stockwater use. If a new use is being established, the priority will be the date on which a completed notice is filed.
7. Show the maximum instantaneous rate of diversion of water from the source in cubic feet per second ("cfs"). The rate of diversion on a notice for an existing water right is limited to the rate shown on the right and can not exceed a volume of 13,000 gallons per day. For a new right, the volume can not exceed 13,000 gallons per day. Note: 0.02 cfs equals about 9 gallons per minute ("gpm") and 0.02 cfs flowing continuously for 24 hours will provide a volume of 13,000 gallons.
8. Show the beginning date and ending date each year within which stock water will be diverted.
9. Describe who owns the property at the point of diversion and place of use.
10. Describe when the diversion works and enclosed delivery system will be constructed.
11. Use this space to further describe any item on the notice or to provide other pertinent information.

General Information:

- The provisions of section 42-113, Idaho Code, i.e. for diverting water out of a surface water source for livestock purposes, applies both to parties who have existing instream stockwater rights and to parties who intend to appropriate stockwater as authorized in section 42-113, I.C.
- The right holder may not alter the bed or banks of the source of water, but may place an inlet conduit into the water source in a manner that does not require excavation or obstruction of the stream channel.
- The filing of a notice substitutes for the filing of a Claim to a Water Right pursuant to section 42-243, Idaho Code, and substitutes for the filing of a transfer pursuant to section 42-222, Idaho Code.
- A permittee in a federal grazing allotment must consent to a change in a right used for stockwater on the allotment, before out-of-stream diversion of water is authorized pursuant to section 42-113, Idaho Code.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF DIVERSION FOR INSTREAM STOCKWATER USE

(To provide notice of intent to divert surface water from a stream or riparian area to troughs or tanks for the watering of livestock)

1. Name of Right Holder _____ Phone _____
Mailing address _____
2. Source of water supply _____ tributary to _____
3. Point of diversion is in Gov't. Lot _____, _____ 1/4 _____ 1/4 _____ 1/4, Section _____, Township _____ Range _____, B.M., _____ County.
4. Description of diversion and delivery system:
 - a) Describe the type of diversion: _____
 - b) Describe the delivery system: _____
 - c) Describe the number, type and total capacity of troughs or tanks _____
 - d) Describe the automatic shutoff or flow control mechanism or means of Returning unused water to the source: _____
 - e) Describe how the system is designed to allow measurement of the rate of diversion: _____
5. Describe the place of use by placing an X in the appropriate 40-acre tract(s) below:

TWP	RGE	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE

6. Priority date claimed or established: _____
7. Rate of diversion: _____ cfs

8. Season of use: From _____ to _____
9. a) Who owns the property at the point of diversion? _____
b) Who owns the property at the place of use? _____
10. When will construction occur? _____
11. Comments: _____

I hereby assert the following:

- a) Diversion is from a surface water source to which the livestock would otherwise have access. The land where the watering tanks or troughs will be located is land from which the livestock had access to the source of water from which diversion is being made.
- b) The diversion of water out of the stream as described in this notice is for watering livestock and will not injure other water rights.
- c) I will not alter the bed and banks of the source as the term is defined in section 42-3802, Idaho Code. I understand that I may place an inlet conduit into the source in a manner that does not require excavation or obstruction of the stream channel, unless the director of the department of water resources approves a stream channel alteration permit for additional work.
- d) I understand that upon determination of interference with other water rights, the Director may order curtailment of diversion or use of water under this notice or may require the diversion and delivery system to be modified to prevent injury.
- e) I will not divert more than 13,000 gallons per day for livestock watering from this diversion, and I will not use more than one point of diversion under this notice.
- f) I am authorized to make the changes described in this notice and that if the notice involves a federal grazing allotment, the permittee consents to the changes described in this notice.
- g) I understand that any willful misrepresentation on this notice will void any right to divert water for livestock under this notice.

Dated this _____ day of _____, _____

Right Holder or Authorized Representative

FOR DEPARTMENT USE

Received by _____ Date _____ Preliminary check by _____
Fee: \$ _____ Receipted by _____ Receipt No. _____ Date _____
Water District No. _____ Entered into data base _____ By _____